4.10 Land Use and Planning

This section of the EIR describes the potential physical environmental effects related to the issues of land use planning and compatibility with surrounding land uses resulting from development of CIP projects under the proposed Master Plans.

As discussed in Chapter 4, Environmental Analysis, the following CIP projects have been adequately addressed in previous CEQA documents and are not included in this analysis: Sewer CIP Projects SR-6, SR-10, SR-25, N-1, N-2, N-5, N-7, N-8, N-10, N-11, I-3, I-4, I-5, and I-6; Water CIP Projects 7, 8, 40, and R6; and Recycled Water CIP Project ES3.

4.10.1 Environmental Setting

The sewer, water, and recycled water service areas encompass Carlsbad and portions of Oceanside, San Marcos, and Vista. The city of Carlsbad is developed with a variety of land uses. Residential uses account for the greatest percentage of the city's land area, 31 percent, with the largest share attributed to single-family homes. Other uses include local and regional commercial centers and several large industrial business parks. Carlsbad also has a small public airport (McClellan-Palomar Airport) and visitor related facilities near the Legoland amusement park and the Four Seasons Resort. Non-residential uses, including commercial, industrial, and hotels, account for ten percent of the city's land area. Commercial and industrial uses are primarily concentrated along Palomar Airport Road. A large undeveloped area is located along the northeast boundary that is designated as open space. Hotels, which make up one percent of Carlsbad's land area, are scattered throughout the city, taking advantage of freeway access, the airport and proximity to major activity and employment centers, including Legoland, beaches, golf courses, the commercial centers, and business parks. Public and quasi-public uses, including City-owned buildings and utilities, account for five percent of the city's total acreage. Although the coastal portions of Carlsbad are largely developed, natural vegetation remains in and around the coastal lagoons and on the higher, steeper-sloped, inland portions of the city. Ten percent of the city's land area is used for parks and recreation, four percent for agriculture and 33 percent as other open space or natural areas. Finally, the remaining six percent of land is undeveloped or vacant. Although some of the vacant land is potentially available for development, some sections may not be developable due to site constraints, such as steep slopes or natural habitat that is protected pursuant to the Carlsbad HMP (City of Carlsbad 2012).

The areas of Oceanside and San Marcos within the service areas include suburban single family residential and commercial development. The area of Vista in the service areas is characterized by industrial development surrounded by suburban residential neighborhoods. Small open spaces and vacant lots are interspersed throughout development in all three cities. Undeveloped hills separate concentrated development areas and provide larger areas of open space.

4.10.1.1 Above Ground CIP Project Setting

This section describes the existing land uses at and surrounding each of the new above-ground facilities proposed under the Master Plans. The CIP projects that involve pipeline extensions or upgrades would not result in long-term, permanent land use impacts, as they would be placed underground. CIP projects that make improvements or upgrades to existing facilities, or would replace existing structures,

would also not result in long-term, permanent land use impacts, as these land uses are already part of the existing setting. For this reason, only the CIP projects that include new above-ground facilities are discussed below.

Sewer CIP Projects

CIP Project SR-19 proposes a new gravel road in Carlsbad on land that is currently undeveloped, although portions of the undeveloped area have been graded. Residential land uses are located to the north, northwest, and northeast of the road alignment. The Four Seasons Aviara Golf Club is located to the west and northwest of the site. La Costa Country Club and La Costa Resort and Spa area located to the east. Batiquitos Lagoon is located to the south.

CIP Project SR-23 proposes a new gravel access road in Carlsbad in an undeveloped area located directly south of the Legoland parking lot and Palomar Airport Road. Residential land uses are located to the south, southwest, and southeast of the undeveloped area. Commercial land uses are located to the west and east of the project site.

CIP Project SR-22 proposes new gravel access roads throughout the sewer service area; however, no specific locations have been identified. Approximately 35 percent of Carlsbad is undeveloped, and the remaining area is developed with a variety of land uses, including residential, commercial, and industrial development.

Water CIP Projects

CIP Project F14 proposes a new concrete pump station building in an existing residential neighborhood. The site is surrounded on all sides by single-family residential development. Large open space areas are located throughout the neighborhood and the La Costa Lo reservoir is located to the west.

CIP Project 52 proposes a new well and reverse osmosis treatment plant on CMWD property in Oceanside that has been previously graded. The site is surrounded by industrial development. Oceanside Municipal Airport is located approximately 500 feet north of the project site.

Recycled Water CIP Projects

The Recycled Water Master Plan would not result in the construction of any new above-ground facilities on sites that do not contain existing infrastructure.

4.10.2 Regulatory Framework

4.10.2.1 State

California Coastal Act

The CCA went into effect on January 1, 1977, and granted the California Coastal Commission authority to review and approve plans and projects located within the coastal zone. Under the CCA, cities and counties are encouraged to prepare local coastal programs that guide implementation of conservation, development, and regulatory policies required by the CCA within the local coastal zone. The Carlsbad Zoning Ordinance implements the Local Coastal Program for Carlsbad. Specifically, Chapter 21.201, Coastal Development Permit Procedures, establishes the permit procedures for developments located in

the coastal zone. This chapter is based on the local coastal program implementation regulations adopted by the California Coastal Commission. Chapter 21.203, Coastal Resource Protection Overlay Zone, implements the CCA and is applicable to all properties located in the coastal zone. Chapter 21.203 includes development standards for the coastal resource protection overlay zone and requires site-specific investigations for development in landslide and liquefaction-prone areas.

4.10.2.2 Local

San Diego County Water Authority Act

The CMWD is a member agency of the SDCWA, which is governed primarily by the County Water Authority Act (Stats. 1943, c. 545). This Act mandates the SDCWA to provide water to meet the needs of member agencies in its service area. As a district, SDCWA may acquire, construct, own, operate, control, or use works for supplying the inhabitants of its district with water or the means for the collection, treatment, or disposition of sewage; and may construct such works across or along any street or public highway, with the same rights and privileges appertaining thereto as are granted to municipalities, such as Carlsbad, Oceanside, San Marcos, and Vista (see California Public Utilities Code Sections 12801 and 12808). Under Section 53091(d) and (e) of the California Government Code, building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water or wastewater, and zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water by SDCWA.

City of Carlsbad General Plan

The Carlsbad General Plan contains seven elements, with each element containing maps and figures, policy statements, over-arching goals, specific objectives, implementing programs, and in some instances, development standards. Elements in the General Plan include land use, housing, open space and conservation, parks and recreation, circulation, public safety, noise, and the arts. The Carlsbad General Plan last underwent a comprehensive update in 1994. In 2008, the City started the process Envision Carlsbad to update the plan again. The current update process includes two phases. The first phase, which focused on a community visioning process, was completed in early 2010. The result of this process was the Community Vision document that will help guide the comprehensive update of the General Plan. This update is expected to be completed by mid-2013.

City of Oceanside General Plan

The Oceanside General Plan was most recently updated in 2002. The General Plan serves as a policy guide for determining the appropriate physical development and character of Oceanside. The plan is founded on the community's vision for Oceanside and expresses the community's long-range goals. The following is a summary of the vision statements established for Oceanside as a result of the City's Vision 2020 Project in the late 1990s: 1) well-planned business development with active participation by its business owners; 2) access to telecommunication services; 3) cooperative partnerships with business, community groups, neighborhoods and schools to promote and enhance services while maintaining high aesthetic standards; 4) support for the arts; 5) support for life-long learning through universal access to information; and 6) a community in which people enjoy living, working and playing. Implementation of the General Plan will ensure that development projects are consistent with community goals and adequate urban services are available to meet the needs of new development. The Oceanside General Plan contains ten elements: land use, circulation, recreational trails, housing, environmental resource

management, public safety, noise, community facilities, hazardous waste management, and military reservation.

City of San Marcos General Plan

The San Marcos General Plan Land Use Element (1997) is a long-range guide to the development and use of all land within San Marcos' eight community planning areas. As such, it sets forth goals, policies and standards to guide the location, density, and distribution of various land use activities within each of those areas. The San Marcos General Plan Land Use Element sets forth the following city-wide objectives: 1) direct future urban growth to undeveloped or underutilized lands within, or contiguous to, existing developed areas; 2) prevent or reverse the physical decline or deterioration of developments within the city; and 3) protect and enhance natural and cultural resources and promote recreational opportunities. The San Marcos General Plan also includes the following elements: circulation, open space and conservation, parks and recreation, safety, noise, and housing. The General Plan divides the city into eight community planning areas, each with a distinct community character and/or land use pattern. The CMWD water service area includes a portion of the Lake San Marcos Neighborhood, and the CMWD recycled water service area includes a portion of the Business/Industrial District. The San Marcos General Plan is currently in the process of being updated. A draft General Plan was made available to the public in November 2011.

City of Vista General Plan

The Vista General Plan was recently updated and adopted in December 2011. The General Plan serves as a guide for development to achieve the City's vision through the year 2030. The Vista General Plan expresses the community's goals for the future and provides a basis for decision-making for land use actions. The Vista General Plan is an organized set of goals and policies that guide both the distribution of land uses and the way land is developed (or redeveloped) and used. The basic purpose of the Vista General Plan is to define the preferred future vision for the city and to put in place the means of achieving this vision. Generally, the goal that guides the Vista Vision 2030 is a safe, clean, and attractive city with a strong sense of community and a focus on encouraging sustainable development. The Vista General Plan includes the following elements: land use and community identity; circulation; resource conservation and sustainability; healthy vista; noise; public safety, facilities, and services; and housing.

Multiple Habitat Conservation Program

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, multiple jurisdictional planning program designed to develop an ecosystem preserve in northwestern San Diego County. Implementation of the regional preserve system is intended to protect viable populations of key sensitive plant and animal species and their habitats, while accommodating continued economic development and quality of life for residents of the North County region. The MHCP is one of several large multiple jurisdictional habitat planning efforts in San Diego County, each of which constitutes a subregional plan under the NCCP Act of 1991. The MHCP includes seven incorporated cities in northwestern San Diego County: Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. These jurisdictions implement their respective portions of the MHCP through citywide "subarea" plans, which describe the specific implementing mechanisms that each city institutes for the MHCP. The goal of the MHCP is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46 percent) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened or endangered species. The Carlsbad HMP is the only approved and adopted Subarea Plan under the MHCP.

Carlsbad Habitat Management Plan

The Carlsbad HMP was approved in 2004 and includes adoption of ordinance regulations in Title 17 of the Carlsbad Municipal Code as a condition of receiving approval from the California Coastal Commission, an Incidental Take Permit from the USFWS pursuant to Section 10(a)(1)(B) of the FESA, and incidental take authorization from the CDFG pursuant to the CESA and Section 2835 of the CFG Code in 2005. Since its adoption, the Carlsbad HMP has allowed for citywide permits and authorization for the incidental take of sensitive species in conjunction with private development projects, public projects, and other activities which are consistent with the HMP. The Carlsbad HMP has been successful in contributing toward the conservation of local habitats and recovery of regionally sensitive plant and animal species within the city. The HMP designates approximately 6,500 acres of the open space lands in the city for preservation based on its value as habitat for endangered animals and rare, unique or sensitive plant species. The plan identifies how Carlsbad can protect and maintain these lands while still allowing additional public and private development consistent with the General Plan and the Growth Management Plan.

4.10.3 Project Impacts and Mitigation

4.10.3.1 Issue 1 – Land Use Incompatibilities and Conflicts with Land Use Plans and Biological Conservation Plans

Land Use and Planning Issue 1 Summary

Would the Sewer, Water, or Recycled Water Master Plan conflict with any land use plan, policy, regulation, biological habitat conservation plan, natural communities conservation plan or result in incompatibilities with surrounding land uses?

Impact: The CIP Projects would not result in land use incompatibilities or conflicts.	**Mitigation:** No mitigation is required.
Significance Before Mitigation: Less than significant.	**Significance After Mitigation:** Impacts would be less than significant without mitigation.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, implementation of the Master Plans would have a significant impact if it would: conflict with any applicable HCPs or NCCPs; conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or result in incompatibilities between CIP facilities and surrounding land uses.

Impact Analysis

Construction

Construction of the many CIP projects, specifically pipeline projects, would be located within public rights-of-way in existing or planned roads. Construction would result potential incompatibilities with

surrounding land uses if it would require a roadway closure. As discussed in Section 4.12.3.1 (Issue 1: Traffic and LOS Standards), a traffic control plan would be implemented during construction of any CIP project that would interfere with traffic flow. Construction activities would also have the potential to generate noise levels that are incompatible with surrounding land uses. As discussed in Section 4.11.3.2 (Issue 2: Temporary Increases in Ambient Noise), construction activities would comply with all restrictions on construction hours established in the Carlsbad, Oceanside, San Marcos, and Vista noise ordinances so that construction would not disturb sleep. Construction activities would also include best management practices to minimize noise to daytime noise sensitive land uses. As discussed in Section 4.3.5.8 (Issue 6 – Habitat Conservation Plans), individual CIP projects would be required to demonstrate compliance with the HMP and implement project-specific procedures, protocols, and mitigation measures described in the Carlsbad HMP in order for the project to be approved. Therefore, construction of the proposed CIP projects would not result in any significant land use conflicts or incompatibilities.

Operation

The Master Plans include new and improvements to existing facilities for water storage, water distribution, sewer collection, hydroelectric generation, and water and recycled water treatment. Most of the projects included in the Master Plans are either below-ground facilities, such as pipelines and PRSs, or make improvements or upgrades to existing infrastructure. Underground facilities do not have local land use effects of significance after installation or rehabilitation. Improvements to existing facilities, replacement of existing structures, and construction of new facilities on sites that currently contain water, sewer, or recycled water infrastructure would not result in any change in land use and would not result in any land use conflicts or incompatibilities. As discussed in Section 4.1 (Aesthetics) and Section 4.11 (Noise), new equipment would be placed within structures to attenuate noise and any new buildings would be designed to be compatible with surrounding land uses. CIP projects that would remove facilities such as lift and pump stations would result in land being cleared of the above-ground facility and would not result in land use impacts. Occasional maintenance would be required for all proposed CIP projects but would be short in duration and would not occur often enough to result in long-term impact to local land uses.

However, several CIP projects would result in the construction of new above-ground facilities that would introduce a new land use to the area surrounding the site and would have the potential to result in land use conflicts or incompatibilities. These projects are discussed below.

Sewer CIP Projects

CIP Project SR-19 proposes a new 12-foot wide decomposed granite or gravel road to accommodate maintenance access and provide a public trail adjacent to Batiquitos Lagoon and within an undeveloped area. CIP Project SR-23 proposes construction of a new 12-foot wide decomposed granite or gravel road, pipeline relocation, and/or pipeline realignment along an existing sewer alignment adjacent to Encinas Creek in an undeveloped area surrounded by residential and commercial uses, including Legoland. CIP Project SR-22 proposes construction of a new 12-foot wide decomposed granite or gravel access roads within existing easements or trails to accommodate access for maintenance and assessment at existing manholes throughout the sewer, water, and recycled water areas. These access roads would be passive facilities used for occasional maintenance trips. The access roads would not include any components that would be potentially incompatible with surrounding land uses and would not conflict with any land use plans, policies, or ordinances. The location of the access roads in undeveloped areas would have the potential to result in permanent impacts to natural resources

covered by the HMP. However, as discussed in Section 4.3.5.8 (Issue 6 – Habitat Conservation Plans), individual CIP projects would be required to demonstrate compliance with the HMP and implement project-specific procedures, protocols, and mitigation measures described in the Carlsbad HMP in order for the project to be approved. Therefore, these CIP projects would not result in any significant land use conflicts or incompatibilities.

Water CIP Projects

CIP Project F14 proposes a new concrete pump station building in Carlsbad that is surrounded on all sides by single-family residential development. However, as discussed in Section 4.1 (Aesthetics) and Section 4.11 (Noise), any new buildings would be designed to be compatible with surrounding land uses and new equipment would be placed within structures to attenuate noise. Noise attenuation would also minimize indirect impacts to nearby open space areas. CIP Project 52 proposes a new well and reverse osmosis treatment plant on CMWD property in Oceanside that has been previously graded and is surrounded by industrial development. A treatment facility would be compatible with the existing industrial uses in this area. Additionally, placement of the proposed facility within a structure that attenuates noise and is designed to be consistent with the surrounding area would ensure that land use compatibilities would not occur. Therefore, operation of the proposed water CIP projects would result in less than significant impacts related to land use incompatibilities and conflicts.

Recycled Water CIP Projects

The Recycled Water Master Plan would not result in the construction of any new above-ground facilities on sites that do not contain existing infrastructure. Therefore, the recycled water CIP projects would result in less than significant impacts related to land use incompatibilities and conflicts.

Consistency with Other Plans

As discussed in Section 5.1.3 (Population and Housing), the Master Plans' CIPs were designed to provide Carlsbad with plans for the development of sewer, water, and recycled water utilities to meet the present and future needs of the projected growth within each service area, consistent with growth projections. Implementation of the Master Plans would not induce any unplanned growth that would be inconsistent with the any affected city's land use plan. The Master Plans are intended to implement the recycled water infrastructure necessary to meet the land use goals established in the Carlsbad General Plans. The CIP projects would also potentially require discretionary permits from the jurisdiction in which the project is located, whether it be Carlsbad, Oceanside, San Marcos, or Vista. Future projects would be required to comply with all applicable land use regulations in order to obtain project approval and would be further evaluated at the time of project design and review. For CIP projects proposed within jurisdictions outside of Carlsbad but within the water and wastewater service areas, project design engineers would be required to coordinate the design with the city in which the project would be located. Therefore, the proposed Master Plans would not conflict with the Carlsbad General Plans or other land use regulations and ordinances.

As approximately half of the CIP projects proposed within Carlsbad are located in the Coastal Zone and some activities will be subject to a Coastal Development Permit (CDP). Since Carlsbad has an approved Local Coastal Program as of 1996, the City acts as the local permitting authority for the issuance of CDPs for projects located within its coastal zone, with a few exceptions. There are "deferred certification areas" where the state retains permitting authority. For example, Agua Hedionda Lagoon lies outside of Carlsbad's permitting authority, and projects in its vicinity would require a CDP from the California

Coastal Commission. All projects in the Carlsbad coastal zone would require review for consistency with the Local Coastal Program and CCA prior to issuance of a CDP. The required review and issuance of CDPs would ensure that infrastructure projects, particularly those located outside of public rights-of-way or in sensitive areas, will be consistent with the Local Coastal Program; individual components would require this review on a project-by-project basis to ensure that impacts would be less than significant. Vista and San Marcos are not within the coastal zone and none of the proposed CIP projects in Oceanside are within the coastal zone. Therefore, the proposed Master Plans would not conflict with the CCA.

The Master Plans would not conflict with any existing general plan, coastal plan or any other land use plan or policy, or result in any land use incompatibilities.

Mitigation Measures

Impacts related to land use conflicts and incompatibilities would be less than significant. No mitigation is necessary.

Significance After Mitigation

Impacts related to land use conflicts and incompatibilities would be less than significant level without mitigation.

4.10.3.2 Issue 2 – Physically Divide an Established Community

Land Use and Planning Issue 1 Summary

Would the implementation the Sewer, Water, or Recycled Water Master Plans physically divide an established community?

Impact: The CIP Projects not physically divide an established community.	**Mitigation:** No mitigation is required.
Significance Before Mitigation: Less than significant.	**Significance After Mitigation:** Impacts would be less than significant without mitigation.

Standards of Significance

Based on Appendix G of the CEQA Guidelines, implementation of the Master Plans would have a significant impact if it would physically divide an established community.

Impact Analysis

The majority of the CIP projects propose underground facilities, improvements to existing facilities, or new facilities and existing infrastructure sites. These CIP projects would not result in any new physical barriers. The remaining CIP projects include new access roads (Sewer CIP Projects SR-19, SR-22, and SR-23), and new pump station (Water CIP Project F14), and a new well and reverse osmosis treatment plant (Water CIP Project 52). The proposed access roads would be located in open space areas and would be generally be available for use as public trails. The new above-ground structures would have

small building footprints. The new pump station and treatment plant would be located on previously graded sites and the PRS would be located adjacent to the Maerkle Reservoir site. None of the CIP projects would result in a permanent obstruction to a roadway or other access route, and construction of these facilities would not create a physical barrier (such as a highway), that would result in the physical division of an established community. Therefore, implementation of the Master Plans would not physically divide an established neighborhood.

Mitigation Measures

Impacts related to physical division of an established community would be less than significant. No mitigation is necessary.

Significance After Mitigation

Impacts related to physical division of an established community would be less than significant without mitigation.

4.10.4 Cumulative Impacts

Land Use and Planning Cumulative Issue Summary

Would implementation of the Master Plans have a cumulatively considerable contribution to a cumulative land use and planning impact considering past, present, and probable future projects?

Cumulative Impact	Significant?	Proposed Master Plan Contribution
Incompatibilities with adjacent land uses.	No	No cumulative impact.
Physical division of established communities.	No	No cumulative impact.

Refer to Section 4.2.4 (Biological Resources Cumulative Impacts) of this EIR for the cumulative impact analysis related to habitat conservation plans.

4.10.4.1 Land Use Incompatibilities and Conflicts with Land Use Plans and Biological Conservation Plans

Impacts related to consistency with land use plans and policies are project-specific and not cumulative in nature. The geographic context for the analysis of cumulative impacts relative to adjacent land use incompatibilities includes development surrounding the proposed CIP facilities. It is anticipated that development of future cumulative projects would undergo CEQA review which would require a consistency analysis with applicable plans and polices. As required by CEQA, cumulative projects would be consistent with the existing adopted plans, or require mitigation measures or design review to ensure consistency, in order for project approvals to occur. Therefore, it is anticipated that cumulative development would be consistent with applicable plans or policies. As discussed in Section 4.10.3.1 above, implementation of the Master Plans would not result in new land uses that would be incompatible with surrounding land uses. Therefore, the Master Plans, in combination with cumulative projects, would not result in a cumulatively significant impact associated with land use compatibility.

4.10.4.2 Physically Divide an Established Community

The geographic context for the analysis of cumulative impacts relative to physical division of an established community is generally site specific and limited to the area directly adjacent to each CIP site. As discussed in Section 4.10.3.2 above, implementation of the Master Plans would not result in new land uses that would obstruct access to existing communities or result in a barrier that would divide a existing community. Therefore, the Master Plans, in combination with cumulative projects, would not result in a cumulatively significant impact associated with physical division of an established community.

4.10.5 References

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